



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/510,436

10/06/2004

Andrew Silver

139355WOUS

1528

24587

7590

11/17/2008

ALCATEL LUCENT  
INTELLECTUAL PROPERTY & STANDARDS  
3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER

CLARK, MAXWELL A

ART UNIT

PAPER NUMBER

2416

MAIL DATE

DELIVERY MODE

11/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 10/510,436</p>	<p><b>Applicant(s)</b> SILVER ET AL.</p>	
	<p><b>Examiner</b> MAXWELL A. CLARK</p>	<p><b>Art Unit</b> 2416</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: 1-20.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

/Kwang B. Yao/  
Supervisory Patent Examiner, Art Unit 2416

Continuation of 3. NOTE: The scope of the claims has been changed as evident by amendments which incorporate newly added features. Regarding claim 1, the added features include: lines 5-13, upon establishing the PPP session, establishing a connection from the PDSN to an Internet Audio Gateway having access to a plurality of Internet Audio contents stored on an Internet Radio (IR) Application Server to register the MS with the Internet Audio Gateway; establishing a Wireless Application Protocol (WAP) session between the MS and a WAP gateway coupled to the IR Application Server to provide the plurality of Internet Audio contents to the MS to select from; selecting from the plurality of Internet Audio contents to play on the MS via the WAP gateway; providing the selection of the plurality of Internet Audio contents made by the MS to the IR Application Server; line 16-17, using the mobile identity to retrieve a the selection of the plurality of Internet Audio contents from the IR Application Server; regarding claim 9, lines 6-15, an Internet Audio Gateway having access to a plurality of Internet Audio contents stored on an Internet Radio (IR) Application Server, wherein, upon establishing the PPP session, the PDSN establishes a connection to a Internet Audio Gateway to register the MS with the Internet Audio Gateway; and a Wireless Application Protocol (WAP) Gateway coupled to the IR Application Server, wherein a Wireless Application Protocol (WAP) Browser session is established between the MS and the WAP gateway to provide the plurality of Internet Audio contents to the MS to select from; wherein the user selects from the plurality of Internet Audio contents via the WAP gateway; wherein the selection of the plurality of Internet Audio contents made by the MS is provided to the IR Application Server; lines 17-18, identifying the MS within a network, the Internet Audio Gateway uses the mobile identity to retrieve a the selection of the plurality of Internet Audio contents from the IR Application Server; regarding claim 16, lines 5-13, upon establishing the PPP session, establishing a connection from the PDSN to a Internet Audio Gateway having access to a plurality of Internet Audio contents stored on an Internet Radio (IR) Application Server to register the MS with the Internet Audio Gateway; establishing a Wireless Application Protocol (WAP) Browser session between the MS and a WAP gateway coupled to the IR Application Server to provide the plurality of Internet Audio contents to the MS to select from; selecting from the plurality of Internet Audio contents to play on the MS via the WAP gateway; providing the selection of the plurality of Internet Audio contents made by the MS to the IR Application Server; lines 16-17, using the mobile identity to retrieve the selection of the plurality of Internet Audio contents from the IR Application Server.